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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 29 September 1996 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a Government of Iraq paper concerning the impact on human rights in Iraq of the economic embargo imposed under Security Council resolution 661 (1990), which has caused great harm in all areas of life.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 110 (b).

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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ANNEX

Paper submitted by the Government of Iraq on the impact of the economic embargo on human rights in Iraq

The Government of Iraq would like to take advantage of the opportunity offered by the convening of the fifty-first session of the General Assembly to submit the present condensed yet comprehensive paper on the impact of the economic embargo imposed on Iraq under Security Council resolution 661 (1990), which has caused great harm in all areas of life, and on the extent to which that embargo is incompatible with the rights recognized by the United Nations instruments to which Iraq is a party.

Economic rights

Security Council resolution 661 (1990) prevents Iraq from exporting petroleum, the key natural resource on which the country is crucially dependent. It thus deprives it of a right guaranteed to it by article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, which states that:

> "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

The resolution also conflicts with article 3 of the Declaration on Social Progress and Development, which calls for the permanent sovereignty of each nation over its natural wealth and resources.

In order to cope with the great shortage of foodstuffs caused by the embargo, the Government of Iraq resorted to a ration-card system but was forced to reduce the amounts of food provided through this system because of the great shortfall. In the context of a previous total daily per capita calorie intake of 2,306, the amount provided by food rationing in July 1996 was 1,263, leaving a shortfall of 1,043. In comparative terms, the decrease in average per capita monthly consumption of basic items has been as follows:

Item	1990	1996
Flour	14 kg	5 kg
Rice	3 kg	1.25 kg
Infant formula	4.430 kg	1.8 kg
Sugar	3.250 kg	500 g
Tea	270 g	100 g
Oils	1.330 kg	750 g
Detergent	540 g	250 g

Official statistics for 1988 indicate that average daily per capita calorie intake was 3,581 and that average monthly per capita expenditure on food in both urban and rural areas was in the order of 27.439 Iraqi dinars

(ID), or some 50.2 per cent of all expenditure on household commodity groups. Cost per calorie was calculated by dividing average monthly per capita expenditure on food by average monthly calorie intake. Accordingly, the cost per calorie in 1988 was ID 0.000255. Given that the minimum necessary per capita daily calorie intake is in the order of 2,436, in 1988 a minimum monthly expenditure of ID 18.635 on basic food needs alone marked the extreme-poverty line in Iraq.

Until 1990, the State supported the prices of basic foodstuffs in line with per capita income, and Iraq imported 70 per cent of its food needs. In the external trade plan for 1990, the total allocation for food of all kinds was ID 922 million, or US$ 2,958 million. The fact that Iraq has not had access to foreign currency resources to pay for food imports since 6 August 1990 has caused a scarcity of foodstuffs and a rapid rise in food prices.

The items in the ration allocation include milk for infants up to the age of one in quantities that vary from 1.350 to 1.800 kilograms, and the milk ration provides 44 per cent of the minimum requirement.

Ration-card items provide some 34 per cent of the minimum calorie requirement, and the shortfall in nutrition is assumed to be made up from the commercial market. The Food and Agriculture Organization of the United Nations (FAO) has sent three crop and food-supply assessment missions to Iraq; one in July 1993, one in November 1993 and one in September 1995. The reports of these missions can be regarded as definitive sources for the evolution of the nutritional situation and its link with the standard of living. On the basis of the figures provided by the Central Statistical Organization and the information contained in the FAO reports, the present study confirms the deterioration in the nutritional situation and in the standard of living in terms of changes in the purchasing power index, the cost of the household food basket and average per capita monthly income marking the extreme-poverty line.

Change in the purchasing power index (PPI)
(Minimum = 1.25)

Period	PPI
1990	3.62
November 1993	0.15
September 1995	0.06

Cost of the food basket for a family of six
with one infant under one year of age

1993	ID 3,259, or four times the average monthly wage
1995	ID 99,374, or 16.59 times the average monthly income

The extreme-poverty line in terms of per capita monthly income

Year	Extreme-poverty line (ID)	Cost per calorie (ID)
1988	18.635	0.00025
1993	369.050	0.0050
1995	11 266.60	0.154

These figures reflect the drastic nutritional situation. The spread of extreme poverty to include a high percentage of Iraqi families may have been accompanied by the emergence of an affluent group that has profited from the embargo by speculating in foodstuffs and inflating food prices. Although the members of this group represent only a tiny number in the population as a whole, the maintenance of the embargo has contributed to widening the disparity in living standards between citizens in a way that Iraq has not previously experienced. This is affecting social relations, and phenomena have appeared that were previously unknown in Iraqi society, such as begging by children in the streets.

The maintenance of the economic embargo will lead to greater suffering for the Iraqi people. This is incompatible with the provisions of all the relevant international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights. By article 11 of the Covenant, the States parties:

> " ... recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right ..."

Social rights

The maintenance of the embargo despite the removal of all justification for it has caused severe suffering. The resulting economic conditions may be catastrophic for the society and may bring about its collapse by depriving it of such means of survival as food, medicine and basic necessities. The shortages have brought the supply situation below subsistence levels, and this in turn has led to increased mortality rates among all classes of the people. A number of tables are presented hereunder showing official statistics prepared by the Iraqi authorities concerning the impact of the economic embargo on the health situation in Iraq. They show in a way that leaves no room for doubt that the parties that insist on maintaining the embargo are operating with the planned intention of annihilating the Iraqi people. The Iraqi people is facing real destruction by a weapon no less dangerous than weapons of mass destruction, namely the weapon of an economic embargo to which nearly one million people have fallen victim, half of them children, since it was first imposed. Such genocide of the people of Iraq has been outlawed by the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Deaths resulting from the economic embargo, selected causes

Under-5 age group		Over-5 age group	
Time period	Average monthly deaths	Time period	Average monthly deaths
1989	593	1989	1 685
1990	742	1990	1 963
1991	2 289	1991	4 872
1992	3 911	1992	6 377
1993	4 107	1993	6 522
1994	4 409	1994	6 731
1995	4 651	1995	6 913
January 1996	6 165	January 1996	6 664
February 1996	4 210	February 1996	7 179
March 1996	4 234	March 1996	8 089
April 1996	3 266	April 1996	7 491
May 1996	4 127	May 1996	7 955
June 1996	4 434	June 1996	6 460

Impact of the economic embargo on major surgical procedures

Time period	Monthly average	Percentage decrease from 1989 figure
1989	15 125	-
1990	8 668	43
1991	6 507	57
1992	5 477	63.7
1993	5 205	65.6
1994	4 697	69.1
1995	4 492	70.3
January 1996	3 830	74.7
February 1996	4 382	71.0
March 1996	3 929	74.0
April 1996	5 029	66.75
May 1996	4 578	69.7
June 1996	5 117	66.2

Impact of the economic embargo on laboratory tests

Time period	Monthly average	Percentage decrease from 1989 figure
1989	1 494 050	-
1990	1 091 230	27
1991	635 446	57
1992	589 952	60.5
1993	576 225	61.4
1994	531384	64.4
1995	501 095	66.4
January 1996	440 273	70.5
February 1996	468 571	68.6
March 1996	491 850	67.1
April 1996	466 333	68.79
May 1996	552 372	63.03
June 1996	472 964	68.34

Under-5 mortality

Period	Condition					
	Diarrhoea		Pneumonia		Malnutrition	
	Deaths	Rate of increase	Deaths	Rate of increase	Deaths	Rate of increase
June 1989	156	-	108	-	123	-
June 1996	2 057	1215.98%	775	617.59%	1 958	1498.71%

Over-50 mortality

Period	Condition					
	Hypertension		Diabetes		Malignant neoplasia	
	Deaths	Rate of increase	Deaths	Rate of increase	Deaths	Rate of increase
June 1989	128	-	70	-	236	-
June 1995	412	221.88%	274	291.43%	1 133	380.1%

Total number of deaths resulting from the economic embargo, selected causes, by time period and age group

Time period	Age group		Total
	Under-5	Over-5	
1990	5 903	23 561	32 464
1991	27 473	58 469	85 942
1992	46 933	76 530	123 463
1993	49 762	78 261	128 023
1994	52 905	80 776	133 681
1995	55 823	82 961	138 784
January-June 1996	26 436	43 838	70 274
Total	268 235	444 396	712 631

Impact of the economic embargo on the nutritional situation of children under 5

Condition	1990		1996		
	Total	Monthly average	Total for January-June	Monthly average	Factor increase over 1990
Malnutrition	485	41	13 278	2 213	53.97
Emaciation caused by malnutrition	5 193	433	119 850	19 975	46.13
Other forms of malnutrition (protein, calorie and vitamin deficiency)	90 869	8 063	856 667	142 778	17.71
All conditions	102 487	8 541	989 795	164 966	19.31

There has also been a serious cholera epidemic in the autonomous region, with 340 cases being reported in Sulaymaniyah and Irbil governorates, because of the absence of monitoring and health-care services in the area.

The embargo has caused a sharp drop in the standard of services provided. Clean water networks and pumping stations were almost completely destroyed in the war, and this caused the pumping rate to fall from 45 million cubic metres per month before the aggression to 9 million afterwards before rising again to 18 million after part of the war damage was repaired. The efficiency of water purification plants has fallen from 80 per cent to 60 per cent because the spare parts necessary to maintain the stations are not available and because chlorine and other chemicals are in short supply.

The maintenance of the embargo has caused a fall in the real level of household income as a result of the steep rise in the prices of goods and services. The number of poor families in the country to which the Social Welfare Law (No. 126 of 1980) applies (excluding those in the autonomous region) thus grew from 53,000 in 1990 to 74,000 in 1995 for an increase of some 40 per cent.

The lack of medicines, antiseptics and vaccines for children in nurseries and orphanages has led to outbreaks of many diseases such as measles, chickenpox and mumps. The medicines, vaccines and antiseptics needed by the disabled, the elderly and inmates of reformatories are also in short supply, and this has brought about a decline in the health situation, an increase in mortality and in cases of disability and the spread of epidemic diseases. There is also an acute shortage of food for these groups, and it is no longer possible to provide them with minimum quantities because of the high prices. This has caused cases of malnutrition to appear.

It must also be stated here that the maintenance of the embargo has encouraged the employment of under-age children in marginal work in order to contribute to household income. The school drop-out rate has thus generally increased, there has been a rise in rates of juvenile and child delinquency and young people have been increasingly exposed to spiritual and social dangers that may adversely affect their future. Delinquency and crime rates have risen, particularly for crimes involving theft and assault, and the number of inmates in reformatories in 1995 was 33 per cent higher than in

1990. This has been accompanied by a drop in the standard of care provided by institutions because of the conditions created by the embargo.

The violation of the social rights of the Iraqi people is a breach of the provisions of the International Covenant on Economic, Social and Cultural Rights. Articles 10, 11 and 12 of the Covenant state that the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, and that special protection should be accorded to mothers during a reasonable period before and after childbirth. The parties to the Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including provision for the reduction of the still-birth rate and of infant mortality and for the healthy development of the child. The Covenant stresses the improvement of all aspects of environmental and industrial hygiene, the prevention of epidemic and endemic diseases and the creation of conditions which would assure to all medical service and medical attention in the event of sickness. It states that protection and assistance should be provided to children and young persons, without any discrimination, from economic and social exploitation and from employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development.

What the people of Iraq is experiencing is also entirely incompatible with articles 4, 9, 10 and 11 of the Declaration on Social Progress and Development and principles 4 and 8 of the Declaration on the Rights of the Child.

Cultural rights

Article 26, paragraphs 1 and 2, of the Universal Declaration of Human Rights states that everyone has the right to education, that education shall be free, at least in the elementary and fundamental stages, and that elementary education shall be compulsory.

Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights state that education shall be directed to the full development of the human personality and the sense of its dignity and that education shall enable all persons to participate effectively in society. The States parties to the Covenant also recognize the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications.

Articles 28 and 32 of the Convention on the Rights of the Child recognize the right of the child to be protected from exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

In accordance with the foregoing, the Government of Iraq has endeavoured to ensure the right to education to all Iraqi citizens without discrimination of any kind and, in order to give effect to that right, it has enacted laws that include the Children's Compulsory Education Law (No. 118 of 1976). In paragraphs (a) and (b) of article 27 of the Constitution, the State undertakes to eradicate illiteracy and to provide compulsory education for children, and Revolution Command Council Decree No. 102 of 1974 provides that education shall be free of charge.

In the context of the efforts that were made, in the 1990/91 school year there were 8,916 elementary schools with a total of 3,328,212 pupils and 2,719 secondary schools with a total of 1,023,710 pupils. However, the efforts

encountered a major obstacle in the global economic embargo, which has had an adverse impact on all intellectual and educational sectors.

Educational institutions have suffered major damage that has affected buildings, furnishings, teaching supplies, educational media and textbooks. Some 5,087 of them have suffered damage, including kindergartens and schools at all levels. A large number of damaged buildings in the education sector are also still having problems with repairs and maintenance because of the meagre financial allocations made to them and the impossibility of securing construction materials because of the embargo. Many printing presses and training and production projects in industrial schools have ceased to operate, and this has increased the cost of printing school textbooks and has delayed the construction of laboratories because of high prices and wages, higher employment costs and the unavailability of spare parts. The serious damage done to the education sector by the economic embargo is described hereunder.

1. Cultural relations

(a) Most of the 77 cultural agreements and 39 cultural plans of action that Iraq had with other countries have been in abeyance. Iraq concluded only one cultural and scientific cooperation agreement, that with Chad, in 1995; and it has concluded two such agreements, one with Algeria and the other with Nigeria, in the first half of 1996.

(b) The 34 cultural agreements concluded by Iraqi universities and their Arab and non-Arab counterparts up to the end of 1989 have been in abeyance. During 1995 five agreements were concluded and three were renewed, and in the first half of 1996 three agreements were concluded and one was renewed.

(c) There has been a decrease in the number of participants from Iraq in international cultural and scientific conferences and other activities. The number of delegates sent in 1989/90 was 1,421, and this figure dropped to 413 in 1995 and to 95 in the first half of 1996.

(d) The number of Arab and non-Arab visiting professors in Iraq fell because it was impossible to pay international travel costs owing to the lack of hard currency and because of the difficulty of travelling to the country. The number of such visitors was 252 in 1989/90, and it fell to 24 in 1995 and to 11 in the first half of 1996.

2. Study abroad

(a) The number of students studying abroad in 1990 was 2,300. Because hard currency was unavailable, the payment of stipends and allowances to students was suspended in September 1990. Some continued their studies at their own expense, and the others were forced to return to the country without completing their courses.

(b) The number of fellowships was reduced. In the 1989/90 academic year 170 fellowships were granted, and this figure fell to 28 in the 1995/96 academic year and to 16 in the 1996/97 academic year.

(c) While remittances were previously made for study abroad, it is now financed privately because of the unavailability of hard currency.

3. Scientific work in universities and other institutions

(a) Our scientific institutions continue to suffer from a severe shortage of equipment, laboratory materials, books and periodicals for scientific research.

(b) The embargo has affected the scientific and academic levels of students and their ability to keep up with their studies at the university and higher academic levels. In the 1994/95 academic year, the drop-out rate was 12.3 per cent, while about 10.5 per cent postponed their studies in the same year.

4. Impact of the embargo on the academic level of university staff and students

Despite constant efforts to minimise the effect of the economic embargo on academic standards, there has been a clear impact on the performance of members of the teaching staff and on the academic level of students because of the lack of an appropriate climate for study. The pressures exerted by the embargo on the students' lives have become clear. Many students have been forced to study intermittently or to abandon their studies definitively in order to seek employment in the private sector and assist their parents in securing the necessities of life and coping with the high prices. The adverse economic situation of professors and the psychological circumstances in which they find themselves have caused some to seek other work. There has also been a rise in the number of teachers whose services are loaned out.

Despite the exceptional efforts made by the State and the use of all possible substitutes, the difficulty experienced by the educational system in securing the requirements of the educational process year after year has continued. The maintenance of the embargo has also had a deep psychological impact that has affected all students at all levels of education, has included those engaged in teaching and has caused acute problems. The embargo has caused the suspension of contracts for school supplies with foreign companies, and the Security Council Sanctions Committee has refused to release 10 million dollars from Iraq's frozen overseas assets to cover the cost of supplies for the great national religious campaign for the teaching of the Koran. The Committee has also refused to allow a Pakistani company to supply Iraq with pencils for school use. There is a difficulty in securing school benches because the raw materials for their manufacture are not available, and other school supplies such as blackboards, chalk and exercise books are also difficult to obtain. The plan for the expansion of school building, which included 3,973 new schools for the years 1990 to 1996, has been suspended in its entirety.

Number of pupils and students dropping out, by level and academic year, 1991/92-1994/95

Level	Academic year				Total
	1991/92	1992/93	1993/94	1994/95	
Elementary	93 750	67 706	71 705	86 413	319 574
Intermediate	48 605	52 731	49 374	58 069	208 779
Preparatory	3 260	4 085	3 803	4 272	15 424
Vocational	3 077	2 722	2 313	2 437	10 549
Total	148 692	127 244	127 195	151 195	554 326

Staff drop-out rate, 1994/95

Level/type	Number
Elementary	4 597
Secondary	1 667
Vocational	612
Training	152
Administrators	5 344
Total	12 273

Deterioration of the educational situation

The embargo has had an evident impact on student enrolment as envisaged in the educational development plan for the academic year 1995/96. The following table does not include figures for the autonomous region.

Level	Planned	Actual	Non-enrolment
Elementary	3 322 857	2 918 671	404 186
Secondary	1 406 787	1 075 490	331 297
Vocational	121 711	96 164	25 547
Total	4 851 355	4 090 325	761 030

The embargo has necessitated the closing of many Iraqi schools abroad in which hundreds of Iraqi and other Arab students were enrolled. There were previously 16 elementary, preparatory and secondary schools with 7,913 students; and there are now only 11 schools with only 520 students.

Conclusions

From the foregoing, it is clear that:

1. The suffering of the Iraqi people has reached a point where it can no longer be ignored or overlooked because it now threatens to bring upon the society as a whole a horrendous disaster that may lead to its collapse. This is because it is deprived of such means of survival as food and medicine and other basic necessities and because the supply situation has reached subsistence levels.

The tragic situation in Iraq has attracted the attention of the Secretary-General of the United Nations, and he referred to it in paragraph 711 of his 1995 report on the work of the Organization where he described the humanitarian situation in Iraq by saying:

> "Health conditions have continued to deteriorate throughout the country because of shortages of essential drugs and medical supplies. The situation is further aggravated by the inadequate supply of potable water and poor sanitation facilities, as essential equipment and spare parts are lacking to rehabilitate the water, sewage and electricity supply systems."

In paragraph 716 of the report, the Secretary-General states that "children are increasingly dying of ailments linked to malnutrition and lack of adequate medical care".

At a press conference in Geneva in March 1995, the Assistant to the Regional Director for the Middle East of the World Health Organization stated that the embargo maintained against Iraq since 1990 had set the health situation in Iraq back 50 years.

The Secretary-General has also addressed the question of international sanctions and their impact in his report entitled "Supplement to an agenda for peace" (A/50/60-S/1995/1). In paragraph 70, he states as follows:

> "Sanctions, as is generally recognized, are a blunt instrument. They raise the ethical question of whether suffering inflicted on vulnerable groups in the target country is a legitimate means of exerting pressure on political leaders whose behaviour is unlikely to be affected by the plight of their subjects. Sanctions also always have unintended or unwanted effects. ... They can conflict with the development objectives of the Organization and do long-term damage ..."

It should also be said that the international conferences held under the auspices of the United Nations, including the World Conference on Human Rights held in Vienna in 1993, have stressed that food should not be used as a tool for political pressure. Paragraph 145 (i) of the Platform for Action adopted by the Fourth World Conference on Women in Beijing in 1995 calls upon governments to "take measures in accordance with international law with a view to alleviating the negative impact of economic sanctions on women and children".

2. The agreement with the United Nations Secretariat on the implementation of Security Council resolution 986 (1995), permitting the export of some Iraqi petroleum in exchange for food, medicine and other basic necessities, does not in reality meet the minimum needs of the population. In this connection, in a resolution adopted by consensus at its forty-eighth session, held in 1996, the Subcommission on Prevention of Discrimination and Protection of Minorities expressed its concern at reliable information to the effect that children would continue to die after the agreement between Iraq and the United Nations on the implementation of Security Council resolution 986 (1995) in view of the fact that the agreement did not meet the minimum needs of the civilian population, particularly for food and medicines. The agreement on the implementation of the memorandum was reached six months after negotiations on the matter began, the same period of time as that established for the agreement to remain in effect. This was caused by the constant interference of the United States Administration and its intransigence in maintaining a position of procrastination and deliberate and unwarranted delay motivated by political intentions and plans to inflict more harm on the life of the Iraqi people.

3. The attempt by the United States of America to undermine the memorandum of understanding between Iraq and the United Nations on the oil-for-food formula by launching its treacherous missile attack on Iraq on 3 and 4 September 1996 will inevitably lead to increased suffering for the Iraqi people. The maintenance of the economic embargo against Iraq for more than six years has had devastating consequences for all individual and collective human rights in Iraq, primarily the rights to life, freedom, the integrity of the person, an appropriate standard of living, health, food, housing, medical care, and education and other social services. This situation is incompatible with the principles of human rights, particularly those embodied in the Universal Declaration of Human Rights, and with paragraph 31 of the Vienna Declaration and Programme of Action adopted by the 1993 World Conference on Human Rights, which affirms that food should not be used as a tool for political pressure,

and it runs counter to the provisions of the Charter of the United Nations, particularly its Article 1 and Article 55.

This action exposes as false the claims made by the United States of America that Iraq does not wish to benefit from the oil-for-food formula, and it confirms our contention that the United States has been impeding the implementation of the memorandum since the dialogue between Iraq and the United Nations first began in the context of its continuing endeavour to prolong the unjust embargo imposed on Iraq. Iraq holds the United States fully responsible for the sufferings of the Iraqi people through its insistence on maintaining the economic embargo. There is no room for doubt that the United States is intentionally endeavouring to annihilate the Iraqi people. The civilized world has determined that genocide, whether committed in time of peace or in time of war, is a crime under international law that must be prevented and punished, as confirmed by the contracting parties in article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide.

In presenting these facts, the Government of Iraq hopes that all the institutions and agencies concerned with human rights will assume their responsibilities with all the resources at their disposal and call upon the United States of America to halt its constant aggression against Iraq, desist from interfering in Iraq's internal affairs and strive for the implementation of the memorandum of understanding between Iraq and the United Nations on the oil-for-food formula as quickly as possible as a first step towards the lifting of the economic embargo in its entirety as no longer having any justification since Iraq has discharged its obligations under the relevant Security Council resolutions.